IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

WA.No. 1733 of 2007

AGAINST THE JUDGEMENT IN WPC.11889/2007
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APPELLANT: PETITIONER

ANIL KUMAR.V.,
ANIL BHAVAN, UMMANNOOR P.O.,
KOTTARAKARA.

BY ADV. SRI.S.ABDUL RAZZAK

RESPONDENTS: RESPONDENTS
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1. THE DEPUTY TAHASILDAR (RR),
TALUK OFFICE, KOTTARAKARA, KOLLAM.

2. THE CORPORATION BANK LTD.,
REPRESENTED BY THE GENERALA MANAGER,
REGD. OFFICE, MANGALA DVI TEMPLE ROAD,
MANGALAPURAM 571 001.

R1 BY SENIOR GOVERNMENT PLEADER SMT. MEERA

R2 BY ADV. SRI.P.JACOB VARGHESE, STANDING COUNSEL,
CORPORATION BANK

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

W.A.No. 1733 of 2007

Dated, this the 16th day of July, 2007

JUDGMENT

H.L. DATTU, CJ.

Most unrighteous litigation, to say the least. Appellant is the defaulter for having failed to pay the amounts due to the 2nd respondent bank. The bank had initiated revenue recovery proceedings by issuing a notice (Ext.P2). After receipt of that notice the petitioner had approached the Taluk Legal Services Committee, Kottarakkara for settlement of the amounts due to the bank. The Taluk Legal Services Committee had convened the District Legal Services Authority, Kollam on 10th of February 2007. Appellant and the representatives of the respondent bank were present. After lot of persuasion by the members of the District Legal Services Authority, the parties have entered into a compromise. The terms of the compromise is reflected in the orders passed by the District Legal Services Authority on 10th of February, 2007. The English version of the order passed by the District Legal Services Authority reads as under:

> "This petition is compromised and closed on condition that if Anil Kumar remit in the Corporation Bank Rs.70,000/- towards Rs.1,79,536/- demanded by the bank on or before 31-3-2007, the bank shall deduct the balance amount and close the transaction. If he fails to pay the amounts due, the bank is at liberty to realise the amount by taking steps."

2. Without a rhyme or reason the petitioner had approached this court in W.P.(C) No.11889 of 2007. In that he had raised a contention that the order passed by the District Legal Services Authority is in the nature of an award and

the same requires to be executed as if it is a decree passed by the civil court. The learned Single Judge had rejected the writ petition by his order dated 4th of April 2007. Aggrieved by the said order the petitioner is before us in this appeal.

3. The grounds that are taken in the appeal are slightly in deviation to the grounds raised in the writ petition. We do not intend to comment on that aspect of the matter.

4. In our view the petition filed by the petitioner is only premature. On that sole ground the learned Single Judge ought to have rejected the writ petition.

5. As we have already stated, the bank had initiated revenue recovery proceedings. At the instance of the petitioner, a Lok Adalat was held by the District Legal Services Authority, Kollam. Before the said authority the petitioner had accepted to pay a sum of Rs.70,000/- towards his liability to the bank. The petitioner has signed the compromise decree. In the order/award passed it is made clear by the Lok Adalat that in the event the petitioner fails to pay the amount, the bank is at liberty to recover the same.

6. After the award is passed, the bank has not yet taken any steps to recover the amounts due to the bank. Further, as agreed upon, the petitioner has not paid the amounts due to the bank on or before 31.3.2007. It is now for the bank to execute the award in accordance with law. Even before taking any steps by the bank, the petitioner has approached this court by filing the writ petition. Therefore, we have observed in our order that the petition filed by the petitioner is only premature and on that sole ground the learned Single Judge ought to have rejected the writ petition.

7. In view of the above, in our opinion, the writ appeal filed by the

petitioner against the orders passed by the learned Single Judge cannot be interfered by us. Accordingly, the appeal requires to be rejected and it is rejected. Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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